

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF OHIO  
EASTERN DIVISION

UNITED STATES OF AMERICA

Plaintiff,

v.

GILBERT ACEVEDO,

Defendant.

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Case No. 1:98 CR 314

JUDGE DAN AARON POLSTER

MEMORANDUM OF OPINION  
AND ORDER

Before the Court is the Motion for Reconsideration filed by Defendant Gilbert Acevedo on December 14, 2009 (*Doc. #67*). Defendant was sentenced by this Court on November 30, 2009, to a term of imprisonment of 57 months with 3 years supervised release. *Doc. #59*. Judgment was entered on December 7, 2009. *Doc. #60*. On December 8, 2009, the Court received notice that Defendant was appealing the Court's sentence to the Sixth Circuit Court of Appeals. *Doc. #62*. As Defendant has appealed his sentence, the Court lacks jurisdiction to address Defendant's Motion for Reconsideration. Accordingly, Defendant's Motion for Reconsideration is **DENIED**.

**IT IS SO ORDERED.**

/s/ Dan Aaron Polster January 5, 2010

Dan Aaron Polster  
United States District Judge